FOR LTILITY DESIGN CIP PCT NATIONAL PLANT ORIGINAL SUBSTITUTE DECLARATIONS

# RULE 63 (37 C.F.R. 1.63) ECLARATION AND POWER OF ATTO FOR PATENT APPLICATION

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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XX was filled on De	cember 17	1991	as U.S	. Application No. 07	808,797		
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and (if applicable to U.S.	or PCT application) was a	amended on					
to above. I acknowledge	the dury to disclose info of any foreign applicate see disclosing the subject	nd the contents of the above emation which is material to on(s) for patent or inventor's matter claimed in this applica-	the examination of	of this application in accorda	nge with 37 C.F.IC. A helow any foreign	annication for nat	um torega prioris ce
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of each of the claum	s of this application is no 1 in 37 C.F.R. I.56(a) whi	120/365 of all United States a of disclosed in such prior appli ch occurred between the filing of	dications in the ma	anner provided by the first p	emagraph of 35 U.S.	C. 112, I acknowled	ige the duty to disc
Application No. (sen) 07/628,850			Day MONTH:	<del>Yer Filed</del> mber 1990		P	ending abandoned. Pendin
07/354,710			22 May				Pendin
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name, date, citizenship, residence and address.

### RADEMARK CASES - RULES OF PE DUTY OF DISCLOSURE

TICE

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material when there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

#### PATENT LAWS 35 U.S.C.

## \$102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
  - (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
  - (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention ther shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce t practice, from a time prior to conception by the other.

### \$103. Conditions for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the inventi n was made. Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

<sup>\*</sup> Six months for Design Applications (35 U.S.C. 172).



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# DECLARATION AND POWER OF ATTORNEY 3 (continued) ADDITIONAL INVENTORS:

5)	INVENTOR'S SIGNATURE		_ Date	
	Inventor's Name (type) Gary		KIRSCHENHEUTER	
	First	Middle Initial	Family Name	County of Citiz nship
	Residence (City) Arvada		_(State/Foreign Country)_C	olorado
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6)	INVENTOR'S SIGNATURE	<del></del>	Date	
	Inventor's Name (type)			
	First	Middle Initial	Family Name	County of Citizenship
	Residence (City)		_(State/Foreign Country)	
	Post Office Address (Include Zip Code)			
7)	INVENTOR'S SIGNATURE		Date	
3	Inventor's Name (type)			
,	First	Middle Initial	Family Name	County of Citizenship
	Residence (City)		_(State/Foreign Country)	
	Post Office Address (Include Zip Code)		· · ·	
8)	INVENTOR'S SIGNATURE		Date	
	Inventor's Name (type)			
	First	Middle Initial	Family Name	County of Citizenship
	Residence (City)		_(State/Foreign Country)	<del> </del>
	Post Office Address (Include Zip Code)			·
9)	INVENTOR'S SIGNATURE		Date	
	Inventor's Name (type)		•	
	First	Middle Initial	Family Name	County of Citiz nship
	Residence (City)		_(State/Foreign Country)	<u> </u>
	Post Office Address (Include Zip Code)			
0)	INVENTOR'S SIGNATURE		Date	
	Inventor's Name (type)			
	First	Middle Initial	Family Name	County of Citizenship
	Residence (City)		_(State/Foreign Country)	
	Post Office Address (Include Zip Code)			

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